

Serial No. 09/469,499

Response to Office Action Mailed December 23, 2004

REMARKS

Applicant's invention is set forth, inter alia, in the pending claims submitted in the amendment filed December 7, 2004.

In the pending Official Action dated December 23, 2004, the Examiner acknowledges applicant's claim for foreign priority. It is noted, however, that the Official Action does not explicitly acknowledge applicant's claim for domestic priority. Indeed, as the Action acknowledges filing of applicant's priority document in parent application 08/940,941, it is respectfully requested that the USPTO record provide specific acknowledgement of domestic priority thereof.

Moreover, it is believed that priority documents were also filed in the parent application thereof, specifically application Serial No. 08/391,861, filed Feb. 22, 1995. Confirmation and correction of the record are respectfully requested.

Rejections and Objections

The Examiner requires a new title which is more clearly descriptive of the invention to which the claims are directed.

The Examiner further rejects the claims under 35 USC 112 ¶112. In that regard, the Examiner states that the rejection is based on presence of the limitation "said reproduction protection" at line 8 of claim 49.

Additionally, the Action rejects the claims under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,212,329 B1 and its 35 continuations. Addressing the rejections, seriatem, applicant submits as follows.

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Upon review of the claims, it is believed that the newly submitted Title provided herein is more clearly descriptive thereof. Accordingly, approval of the newly submitted title is requested and is believed in order.

Additionally, Claim 49 is amended herein by deleting "said" at line 8, thereby obviating any inconsistency or lack of antecedence in the claim.

However, notwithstanding the foregoing amendment, it is courteously submitted that reconsideration of the rejection based on 35 USC §112 ¶2 is in order, as an assertion of "insufficient antecedent basis" does not rise to the level of a statutory rejection under 35 USC §112.

More specifically, 35 USC §112 ¶2 requires that "the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."

The Action merely refers to "insufficient antecedent basis". Applicant respectfully submits that the claim recitation, as is easily appreciated by one of ordinary skill in the art who has read the specification, clearly points out and distinctly claims the inventive subject matter. Indeed, whether or not the claims include "insufficient antecedent basis", such an assertion fails to demonstrate a statutory deficiency in the claims, or to demonstrate that the claims fail to meet the requirement for "pointing out and distinctly claiming the subject matter".

In any case, upon entry of the amendment, the basis for objection to the claims will have been overcome.

As to the rejection under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,212,329 B1 and its 35 continuations, a Terminal

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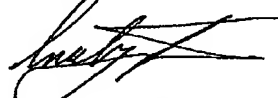
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Disclaimer is filed herewith and identifies the '329 patent and its 35 continuing applications, thereby to overcome the rejection.

Having thus eliminated or overcome all bases for rejection of or objection to the application or any of its components, and in view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited.

The Examiner is requested to inform the undersigned if any further issues or questions should arise with respect to the amended and corrected claims.

Respectfully Submitted,



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